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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,194	11/03/2000	Danamichele Brennen O'Brien	60655.3500	5463
66170 7590 08/24/2010 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2164	PAPER NUMBER
			NOTIFICATION DATE 08/24/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2010 has been entered.

### ***Response to Amendment***

2. Applicant's Amendment filed on 9/2/2009 has been entered with no amended claims. In this Final Office Action, claims 1-123 and 158-159 are pending.

### ***Oath/Declaration***

3. In accordance with 37 CFR 1.175(b) (1), a supplemental reissue oath/declaration under 37 CFR 1.175(b) (1) must be received before this reissue application can be allowed. Claims 71-123 and 158-159 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above. Receipt of an appropriate supplemental oath/declaration under

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37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

“Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.” See MPEP § 1414.01. Applicant has been informed by SPRE's office over phone nearly 4 months back to submit a **new oath/declaration** and never done so far.

#### ***Allowable Subject Matter***

4. Claims 1-70 are allowed as they are from the original patent and they were again allowed. Based on Applicant's amendment filed on 9/2/2009 and persuasive arguments stated in the Remarks section, pages 26-27, paragraph fourth and last, the claims 71-123 and 158-159 are also allowed over the prior art provided applicant submits the **new oath/declaration within the stipulated time.**

#### ***Conclusion***

5. **THIS ACTION IS MADE NON-FINAL.** Applicant is reminded of the **No extension of time** policy as set forth in 37 CFR 1.135(b).

A shortened statutory period for reply to this final action is set to **expire THREE MONTHS from the mailing date of this action.**

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/  
Primary Examiner, Art Unit 2164

srp  
August 18, 2010